IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
Writ Petition No. 750 of 2005 (S/S)

Ankit Kumar
S/o Late Shri Suresh Chaudhari
R/o Avas Vikas Compound
Police Station – Rishikesh
District - Dehradun ……Petitioner

Versus

1. State of Uttaranchal
through Home Secretary, Dehradun
District - Dehradun

2. S.S.P. Dehradun, District – Dehradun ….. Respondents

Sri Pramod Bailwal, learned counsel for the petitioner.
Sri Paresh Tripathi, learned Standing Counsel for the respondents.

Hon'ble B.C. Kandpal, J.

By way of this Writ Petition, a direction in the nature of mandamus has been sought directing the respondents to give the appointment to the petitioner on compassionate ground under dying in harness rule.

Brief facts giving rise to this writ petition are that the father of the petitioner was working as Constable in Police Department who died on 19.03.1999 due to cancer. It has been alleged in the writ petition that Monidra Devi wife of the deceased, Suresh Pal Singh sustained serious injury on her person after 15 days of the death of her husband. After the 15 days of the death of her husband and due to her problem she could not avail the opportunity to have the appointment on compassionate ground under the dying in harness rule.

On 06.12.2003, the respondents again sent a letter to Smt. Monidra Devi for giving an appointment in the Police Department on compassionate ground and the petitioner was

directed to join the duty within a period of one week otherwise it would be considered that she does not require job.

However, Monidra Devi, wife of the deceased, Suresh Pal Singh could not join the duties offered by the Department.

It is averred in the writ petition that now the petitioner has attained the age of majority and he being the son of the deceased be provided job on compassionate ground under the dying in harness rule. The department has not given the job to the petitioner, hence this writ petition.

Heard learned counsel for the parties and perused the record.

I do not find any force in this writ petition and the same lacks merit in it. There cannot be any reservation of a vacancy till such time, as the petitioner becomes a major after a number of years, unless there is some specific provision. The very basis of compassionate appointment is to see that the family gets immediate relief.

With these observation, the writ petition is dismissed.

However, I direct respondent no. 2 to consider the representation of the petitioner if the petitioner moves so within a period of 15 days by extending the sympathetic consideration towards his representation.

(B.C. Kandpal, J.)

15th June, 2005
Shiv